

REMARKS

Claims 7-9 and 29-34 are pending as of the action mailed on April 17, 2007. Claims 1-6 and 10-20 have been canceled and claims 21-28 and 35 have been withdrawn. In response to this Action, claim 7 is being amended, claim 29 is being withdrawn, and claim 36 is being submitted as a new claim. Claim 31 has been amended to correct a typographical error.

Reexamination and reconsideration of the action are requested in light of the foregoing amendments and the following remarks.

Claim Amendments

Claim 7 has been amended to include the limitations of "said window including a plurality of apertures and being adjustable" and "adjusting said window such that the laser beam passes through a second one of the plurality of apertures." Newly submitted claim 36 depends from 7 and contains the limitation "wherein the adjusting occurs after the first one of the plurality of apertures becomes dirty or damaged." These limitations are supported by the specification at, e.g. page 6, lines 2-5. Applicants respectfully request the Examiner to enter these amendments.

Section 112

Claim 31 was rejected as allegedly being indefinite under 35 U.S.C. §112 for failing to particularly point out and distinctly claim the subject matter. Applicants thanks the Examiner for pointing out this error, which has herewith been corrected.

Section 103

Claims 7-9 and 29-34 have been rejected as allegedly unpatentable under 35 U.S.C. §103(a) over Applicant's Admitted Prior Art (AAPA) in view of U.S. Patent Application Publication US2002/0040894A1 ("Borstel") and in view of JP402108444A and in view of JP02002283090A .

Claim 7, as currently amended, contains the limitations of a plurality of apertures, and adjusting the window such that the laser beam passes through a second one of the plurality of

apertures. The cited references do not teach or suggest these limitations, and therefore do not anticipate claim 7 as currently amended. Claims 8-9 depend from claim 7.

Claims 29-34 were rejected as allegedly unpatentable over AAPA in view of U.S. Patent Application Publication US2002/0040894A1 ("Borstel") and in view of JP402108444A and in view of JP02002283090A and further in view of JP02000351089A. Claim 29 has been withdrawn since it contains one of the limitations currently being added to claim 7, as discussed above.

Rejection of claims 30-34 is improper for at least the reason that none of the cited references teach or suggest the limitations of claim 7 submitted herein of "a window including a plurality of apertures and being adjustable" or "adjusting said window." Even assuming *arguendo* that JP02000351089A discloses "a protective window assembly having at least one hole and desirably a plurality of holes," and that "use of a plurality of holes would have been obvious to a person having ordinary skill in the art because the holes provide cooling and desirable pressure and flow" as argued by the Examiner, this reference still would not suggest adjusting a window so that the laser passes through a second aperture. Moreover, there is no showing that the laser in JP02000351089A even passes through the holes, since the holes are near the perimeter of the window and serve as gas passageways.

Accordingly, the Applicant respectfully requests the Examiner to withdraw this rejection.

Conclusion

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

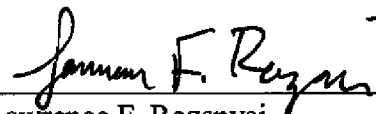
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Respectfully submitted,

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